

REMARKS

Claims 1-5, 7-19 and 22 remain pending in this application. Claims 6 and 23 are canceled by this amendment without prejudice or disclaimer. Each of the pending claims is believed to define an invention that is novel and unobvious over the cited references. Favorable reconsideration of this case is respectfully requested.

Claims 22-23 have been rejected under 35 U.S.C. 112, second paragraph. Independent claim 22 has been amended to recite a missile comprising an optical system. Support for this amendment can be found at least at paragraph 40 and Figure 3 of the application as filed. Claim 23 is canceled. In view of these amendments, it is respectfully submitted that all pending claims are now in all aspects in compliance with 35 U.S.C. 112. Therefore, the withdrawal of this rejection is respectfully requested.

Claims 1, 2, and 22 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2003/0174234 to Kondo et al. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kondo et al.

Claims 2-4 and 6-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Independent claims 1 and 22 have been amended to include the subject matter of allowable claim 6. All remaining pending claims depend directly or indirectly from these independent claims. In view of these amendments, it is respectfully submitted that all pending claims are now in allowable form and that the prior art rejections are moot. Therefore, the withdrawal of all outstanding rejections is respectfully requested.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

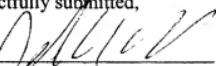
Application No. 10/822,734
Amendment dated October 31, 2008
Reply to Office Action of August 14, 2008

Docket No.: 69993-254124

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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